IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FUNKE et al.

Appl. No.: 10/581,447

(U.S. Nat'l Phase of Int'l Appl.

No. PCT/EP2004/013198)

Int'l Filing Date: November 20, 2004

Active Substance Combinations Having Insectidical and

Acaricidal Properties

Art Unit:

To be assigned

Examiner:

To be assigned

Atty. Docket: 2400.0450000/VLC/BLS

Information Disclosure Statement **Under 37 C.F.R. § 1.97(b)**

Mail Stop PCT

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents FP1 to FP39 and NPL1 to NPL13 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), a copy of the U.S. patent cited on the attached Form PTO/SB/08A, document US1, is not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, FP1 to FP2, FP5 to FP11, and FP13 to FP37, cited on Form PTO/SB/08A:

Document FP1, DT 26 41 343 A1, is in the German language. An English language abstract of document FP1 is cited as document NPL1 and submitted herewith.

Document FP2, EP 210 487 A1, is in the German language. An English language abstract of document FP2 is cited as document NPL2 and submitted herewith.

Document FP5, EP 355 599 A1, is in the German language. An English language abstract of document FP5 is cited as document NPL3 and submitted herewith.

Document FP6, EP 0 377 893 A1, is in the German language. An English language abstract of document FP6 is cited as document NPL4 and submitted herewith.

Document FP7, EP 0 415 211 A2, is in the German language. An English language abstract of document FP7 is cited as document NPL5 and submitted herewith.

Document FP8, EP 0 442 073 A2, is in the German language. An English language abstract of document FP8 is cited as document NPL6 and submitted herewith.

Document FP9, EP 0 442 077 A2, is in the German language. An English language abstract of document FP9 is cited as document NPL7 and submitted herewith.

Document FP10, EP 0 456 063 A2, is in the German language. An English language abstract of document FP10 is cited as document NPL8 and submitted herewith.

Document FP11, EP 0 521 334 A1, is in the German language. An English language abstract of document FP11 is cited as document NPL9 and submitted herewith.

Document FP13, WO 93/22297 A1, is in the Japanese language. An English language abstract of document FP13 can be found on the face page of the patent.

Document FP14, EP 0 596 298 A2, is in the German language. An English language abstract of document FP14 is cited as document NPL10 and submitted herewith.

Document FP15, EP 0 613 884 A2, is in the German language. An English language abstract of document FP15 is cited as document NPL11 and submitted herewith.

Document FP16, EP 0 613 885 A2, is in the German language. An English language abstract of document FP16 is cited as document NPL12 and submitted herewith.

Document FP17, WO 95/01358 A1, is in the German language. An English language abstract of document FP17 can be found on the face page of the patent.

Document FP18, WO 95/20572 A1, is in the German language. An English language abstract of document FP18 can be found on the face page of the patent.

Document FP19, EP 0 668 267 A1, is in the German language. An English language abstract of document FP19 is cited as document NPL13 and submitted herewith.

Document FP20, WO 95/26954 A1, is in the German language. An English language abstract of document FP20 can be found on the face page of the patent.

Document FP21, WO 96/25395 A1, is in the German language. An English language abstract of document FP21 can be found on the face page of the patent.

Document FP22, WO 96/35664 A1, is in the German language. An English language abstract of document FP22 can be found on the face page of the patent.

Document FP23, WO 97/01535 A1, is in the German language. An English language abstract of document FP23 can be found on the face page of the patent.

Document FP24, WO 97/02243 A1, is in the German language. An English language abstract of document FP24 can be found on the face page of the patent.

Document FP25, WO 97/36868 A2, is in the German language. An English language abstract of document FP25 can be found on the face page of the patent.

Document FP26, WO 97/43275 A2, is in the German language. An English language abstract of document FP26 can be found on the face page of the patent.

Document FP27, WO 98/05638 A2, is in the German language. An English language abstract of document FP27 can be found on the face page of the patent.

Document FP28, WO 98/06721 A1, is in the German language. An English language abstract of document FP28 can be found on the face page of the patent.

Document FP29, WO 98/25928 A1, is in the German language. An English language abstract of document FP29 can be found on the face page of the patent.

Document FP30, WO 99/16748 A1, is in the German language. An English language abstract of document FP30 can be found on the face page of the patent.

Document FP31, WO 99/24437 A1, is in the German language. An English language abstract of document FP31 can be found on the face page of the patent.

Document FP32, WO 99/43649 A1, is in the German language. An English language abstract of document FP32 can be found on the face page of the patent.

Document FP33, WO 99/48869 A1, is in the German language. An English language abstract of document FP33 can be found on the face page of the patent.

Document FP34, WO 99/55673 A1, is in the German language. An English language abstract of document FP34 can be found on the face page of the patent.

Document FP35, WO 01/23354 A2, is in the German language. An English language abstract of document FP35 can be found on the face page of the patent.

Document FP36, WO 01/74770 A1, is in the German language. An English language abstract of document FP36 can be found on the face page of the patent.

Document FP37, WO 02/087334 A1, is in the Japanese language. An English language abstract of document FP37 can be found on the face page of the patent.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication

dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Bryan L. Skelton

Attorney for Applicants Registration No. 50,893

Date: FEBRUARY 1, 2007

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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Substitute f	Substitute for form 1449/PTO				Complete if Known		
INFORMATION DISCLOSURE					Application Number	10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198)	
			APPLIC		Filing Date	June 1, 2006	
			ets as necessar		First Named Inventor	FUNKE, Christian	
'	036 43	many snc	213 43 77222347	<i>37</i>	Art Unit	To be assigned	
					Examiner Name	To be assigned	
Sheet	1	of	5		Attorney Docket Number	2400.0450000/VLC/BLS	

			U.S. PATENT DO		
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ^{2 (If Known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			T ⁶
	FP1	DT 26 41 343 A1	04/07/1977	E.I. du Pont de Nemours and Company	Abs
	FP2	EP 0 210 487 A1	02/04/1987	Ciba-Geigy AG	Abs
	FP3	EP 0 234 045 A2	09/02/1987	Nihon Nohyaku Co., Ltd.	
	FP4	EP 0 347 488 A1	12/27/1989	American Cyanamid Company	
	FP5	EP 0 355 599 A1	02/28/1990	Bayer AG	Abs
	FP6	EP 0 377 893 A2	07/18/1990	Bayer AG	Abs
	FP7	EP 0 415 211 A2	03/06/1991	Bayer AG	Abs
	FP8	EP 0 442 073 A2	08/21/1991	Bayer AG	Abs
	FPQ	EP 0 442 077 A2	08/21/1991	Bayer AG	Abs

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English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute	Substitute for form 1449/PTO			Complete if Known	
INFOR	RMAT	ION I	DISCLOSURE	Application Number	10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198)
			APPLICANT	Filing Date	June 1, 2006
				First Named Inventor	FUNKE, Christian
	(Use as many sheets as necessary)			Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	2	of	5	Attorney Docket Number	2400.0450000/VLC/BLS

			U.S. PATENT DOC		
Examiner Initials	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages
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Initials*	No.1	Country Code ³ Number ⁴ Kind Code ⁵ (if known)	MM-DD-YYYY	Applicant of Cited Document	T ⁶
	FP10	EP 0 456 063 A2	11/13/1991	Bayer AG	Abs
	FP11	EP 0 521 334 A1	01/07/1993	Bayer AG	Abs
		WO 93/10083 A1	05/27/1993	Uniroyal Chemical Company, Inc.; Uniroyal	
	FP12			Chemical Ltd./Uniroyal Chemical Ltee	
_	FP13	WO 93/22297 A1	11/11/1993	Yashima Chemical Industrial Co., Ltd.	Abs
	FP14	EP 0 596 298 A2	05/11/1994	Bayer AG	Abs
	FP15	EP 0 613 884 A2	09/07/1994	Bayer AG	Abs
	FP16	EP 0 613 885 A2	09/07/1994	Bayer AG	Abs
	FP17	WO 95/01358 A1	01/12/1995	Bayer Aktiengesellschaft	Abs
-	FP18	WO 95/20572 A1	08/03/1995	Bayer Aktiengesellschaft	Abs

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Signature	Considered	·

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			ets as necessary)	First Named Inventor	FUNKE, Christian		
	(OSE US	muny sne	eis as necessary,	Art Unit	To be assigned		
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Sheet	3	of	5	Attorney Docket Number	2400.0450000/VLC/BLS		

			U.S. PATENT DOC	UMENTS		
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	FP19	EP 0 668 267 A1	08/23/1995	Bayer AG	Abs
	FP20	WO 95/26954 A1	10/12/1995	Bayer Aktiengesellschaft	Abs
	FP21	WO 96/25395 A1	12/22/1996	Bayer Aktiengesellschaft	Abs
	FP22	WO 96/35664 A1	11/14/1996	Bayer Aktiengesellschaft	Abs
	FP23	WO 97/01535 A1	01/16/1997	Bayer Aktiengesellschaft	Abs
	FP24	WO 97/02243 A1	01/23/1997	Bayer Aktiengesellschaft	Abs
	FP25	WO 97/36868 A1	10/09/1997	Bayer Aktiengesellschaft	Abs
	FP26	WO 97/43275 A2	11/20/1997	Bayer Aktiengesellschaft	Abs
	FP27	WO 98/05638 A2	02/12/1998	Bayer Aktiengesellschaft	Abs

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			APPLICANT	Filing Date	June 1, 2006
			ets as necessary)	First Named Inventor	FUNKE, Christian
	(036 83	muny sinc	cis as necessary)	Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	4	of	5	Attorney Docket Number	2400.0450000/VLC/BLS

			U.S. PATENT DOC	CUMENTS		
Examiner	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
Initials*		Number-Kind Code ^{2 (If Known)}	WIWI-DD-11111	Applicant of cited bounding	or Relevant Figures Appear	
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			FOREIGN PATENT DO	OCUMENTS	
Examiner	Cite	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	-]
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	FP28	WO 98/06721 A1	02/19/1998	Bayer Aktiengesellschaft	Abs
	FP29	WO 98/25928 A1	06/18/1998	Bayer Aktiengesellschaft	Abs
	FP30	WO 99/16748 A1	04/08/1999	Bayer Aktiengesellschaft	Abs
	FP31	WO 99/24437 A1	05/20/1999	Bayer Aktiengesellschaft	Abs
	FP32	WO 99/43649 A1	09/02/1999	Bayer Aktiengesellschaft	Abs
	FP33	WO 99/48869 A1	09/30/1999	Bayer Aktiengesellschaft	Abs
	FP34	WO 99/55673 A1	11/04/1999	Bayer Aktiengesellschaft	Abs
	FP35	WO 01/23354 A2	04/05/2001	Bayer Aktiengesellschaft	Abs
	FP36	WO 01/74770 A1	10/11/2001	Bayer Aktiengesellschaft	Abs

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STATEMENT BY APPLICANT	Filing Date	June 1, 2006
(Use as many sheets as necessary)	First Named Inventor	FUNKE, Christian
(Cas as many should be necessary)	Art Unit	To be assigned
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Sheet 5 of 5	Attorney Docket Number	2400.0450000/VLC/BLS

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initials	NO.	Number-Kind Code ^{2 (If Known)}	WINT-DD-1111	Applicant of Cited Document	or Relevant Figures Appear	
						
				 		
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Examiner	Cite	Foreign Patent Document	Publication Date	Name of Patentee or	1
Initials*	No.1	Country Code ³ Number ⁴ Kind Code ⁵ (if known)	MM-DD-YYYY	Applicant of Cited Document	T ⁶
_	FP37	WO 02/087334 A1	11/07/2002	Nihon Nohyaku Co., Ltd.	Abs
	FP38	WO 03/015518 A1	02/27/2003	E.I. du Pont de Nemours and Company	
	FP39	WO 03/024222 A1	03/27/2003	E.I. du Pont de Nemours and Company	

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STATEMENT BY AP		Filing Date	June 1, 2006	
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Sheet 1 of	2	Attorney Docket Number	2400.0450000/VLC/BLS	

		NON PATENT LITERATURE DOCUMENTS	
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STATEM					Filing Date	June 1, 2006		
					First Named Inventor	FUNKE, Christian		
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